Pompeo	Salmon	Upton
Posey	Sanford	Valadao
Price, Tom	Scalise	Wagner
Ratcliffe	Schweikert	Walberg
Reed	Sensenbrenner	Walden
Reichert	Sessions	Walker
Renacci	Shimkus	Walorski
Ribble	Shuster	Walters, Mimi
Rice (SC)	Simpson	Weber (TX)
Rigell	Smith (MO)	Webster (FL)
Roby	Smith (NE)	Wenstrup
Roe (TN)	Smith (NJ)	Westerman
Rogers (AL)	Smith (TX)	Westmoreland
Rogers (KY)	Stefanik	Whitfield
Rohrabacher	Stewart	Wilson (SC)
Rokita	Stivers	Wittman
Rooney (FL)	Stutzman	Womack
Ros-Lehtinen	Thompson (PA)	Woodall
Ross	Thornberry	Yoder
Rothfus	Tiberi	Yoho
Rouzer	Tipton	Young (IA)
Royce	Trott	Zeldin
Russell	Turner	Zinke

NOES—181

Adams	Foster	Napolitano
Aguilar	Frankel (FL)	Neal
Ashford	Fudge	Nolan
Bass	Gabbard	Norcross
Beatty	Gallego	O'Rourke
Becerra	Graham	Pallone
Bera	Green, Al	Pascrell
Beyer	Green, Gene	Pelosi
Bishop (GA)	Grijalva	Peters
Blumenauer	Gutiérrez	Peterson
Bonamici	Hahn	Pingree
Boyle, Brendan F.	Hastings	Pocan
	Heck (WA)	Polis
Brady (PA)	Higgins	Price (NC)
Brown (FL)	Himes	Quigley
Brownley (CA)	Honda	Rangel
Bustos	Hoyer	Rice (NY)
Butterfield	Huffman	Richmond
Capps	Israel	Roybal-Allard
Capuano	Jackson Lee	Ruiz
Cárdenas	Jeffries	Ruppersberger
Carney	Johnson (GA)	Rush
Carson (IN)	Johnson, E. B.	Ryan (OH)
Cartwright	Kaptur	Sánchez, Linda T.
Castor (FL)	Keating	
Castro (TX)	Kelly (IL)	Sanchez, Loretta
Chu, Judy	Kennedy	Sarbanes
Cicilline	Kildee	Schakowsky
Clark (MA)	Kilmer	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kirkpatrick	Scott (VA)
Cleaver	Kuster	Scott, David
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sewell (AL)
Connolly	Larson (CT)	Sherman
Conyers	Lawrence	Sinema
Cooper	Lee	Sires
Costa	Levin	Slaughter
Courtney	Lewis	Speier
Crowley	Lieu, Ted	Swalwell (CA)
Cuellar	Lipinski	Takai
Cummings	Loebsack	Takano
Davis (CA)	Lofgren	Thompson (CA)
Davis, Danny	Lowenthal	Thompson (MS)
DeFazio	Lowey	Titus
DeGette	Lujan Grisham (NM)	Tonko
Delaney		Torres
DeLauro	Luján, Ben Ray (NM)	Tsongas
DelBene		Van Hollen
DeSaulnier	Lynch	Vargas
Deutch	Maloney, Carolyn	Veasey
Dingell		Vela
Doggett	Maloney, Sean	Velázquez
Doyle, Michael F.	Matsui	Visclosky
	McCollum	Walz
Duckworth	McDermott	Wasserman Schultz
Edwards	McGovern	
Ellison	Meeks	Waters, Maxine
Engel	Meng	Watson Coleman
Eshoo	Moore	Welch
Esty	Moulton	Wilson (FL)
Farr	Murphy (FL)	Yarmuth
Fattah	Nadler	

NOT VOTING—18

Bucshon	Jordan	Schock
Garamendi	Labrador	Scott, Austin
Gosar	Payne	Smith (WA)
Graves (MO)	Perlmutter	Williams
Grayson	Roskam	Young (AK)
Hinojosa	Ryan (WI)	Young (IN)

□ 1040

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RYAN of Wisconsin. Mr. Speaker, on rollcall No. 127 I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 127 I was unavoidably detained and missed voting of rollcall No. 127. Had I been present, when the vote was called, I would have voted "no."

Mr. MCNERNEY. Mr. Speaker, on March 19, 2015, the House voted on H. Res. 152, to provide consideration of H. Res. 132. I accidentally voted "aye" on rollcall vote No. 127; I do not support H. Res. 152 or H. Res. 132; I intended to vote "no" on rollcall vote No. 127. I would like the record to accurately reflect my stance on this issue.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 152, I call up the joint resolution (S.J. Res. 8) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to House Resolution 152, the joint resolution is considered read.

The text of the joint resolution is as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the National Labor Relations Board relating to representation case procedures (published at 79 Fed. Reg. 74308 (December 15, 2014)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. KLINE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 1045

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S.J. Res. 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of S.J. Res. 8.

In just a few short weeks, a regulatory scheme that many Americans never heard of will become a reality in almost every private workplace across the country.

Today, workers and employers rely on a fair process for union elections. Under the current process, employers have time to raise concerns and, more importantly, time to speak with their employees about union representation.

Under the current system, workers have an opportunity to gather the information they need to make the best decision for their families. But unless Congress acts, Mr. Speaker, that will all change.

Under the guise of streamlining union elections, the National Labor Relations Board is imposing draconian changes that will undermine the rights workers, employers, and unions have long enjoyed.

The Board's rule arbitrarily limits the amount of time employers have to legally prepare for the election, and it denies workers a reasonable opportunity to make informed decisions about joining a union.

The rule also delays answers to important questions—including voter eligibility—until after the election, which means the integrity of the election results will be compromised before a single ballot is cast.

To add insult to injury, the Board's rule will also force employers to provide union organizers with their employees' personal information, including email addresses, phone numbers, work schedules, and home addresses. Instead of advancing a plan to help stop union intimidation and coercion, the Board is actually making it easier for labor bosses to harass employees and their families.

Are there times when delays occur under the current system? Of course. But delay is the exception, not the rule. In fact, right now, the median time between the filing of an election petition and the election is 38 days. Yet under the Board's new rule, a union election could take place in as little as 11 days. Eleven days.

This is a radical rewrite of labor policies that have served our Nation's best interests for decades. Unfortunately, this is what we have come to expect from the National Labor Relations Board.

Let's not forget, this is the same Federal agency that tried dictating where a private employer had to run its business. This is the same agency restricting workers' rights to secret ballot elections. This is the same agency ignoring the law by asserting its jurisdiction over religious institutions. This is the same agency tying employers in union red tape and empowering labor leaders to gerrymander our Nation's workplaces. This is a Federal agency that is simply out of control, and it is our responsibility to do something about it.

This resolution, which I am proud to sponsor along with Senator LAMAR

ALEXANDER of Tennessee, invokes Congress' authority under the Congressional Review Act to block the NLRB's ambush election rule and anything substantially like it.

If the Board or my Democrat colleagues want to pursue responsible reforms to improve the union election process, then I stand ready to work together on that effort.

But if you believe employers should be free to speak to their employees during a union organizing campaign, then support this resolution. If you believe workers should be free to make an informed decision about whether to join a union, then support this resolution. If you believe we should protect—rather than threaten—employee privacy, then support this resolution. Finally, if you believe workers, employers, and union leaders deserve a fair election process, then reject the Board's ambush election rule by supporting this resolution.

I encourage my colleagues to stand with America's workers and job creators by voting ''yes'' on S.J. Res. 8.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S.J. Res. 8.

The Congressional Review Act resolution of disapproval that we are considering today would undo the NLRB's election rule. The National Labor Relations Board election rule was promulgated to make the election process more efficient and fair.

The current process to hold an election on whether to form a union is badly broken. After workers have filed a petition to hold an election, bad actors can use frivolous litigation to stall an election for months, even years. Election delays can provide opportunities for unscrupulous employers to engage in threats, coercion, and intimidation of workers. These delays can be exploited to violate workers' rights, including firing pro-union workers or threatening to close the plant if the workers choose to vote a certain way.

We all know that the sanctions against violations are insufficient to deter the unscrupulous activities, including firing pro-union employees.

Researchers from the Center for Labor Research and Education at Berkeley found that the longer the delay before the union election, the more likely the employer was to engage in illegal conduct that violates its employees' rights. The NLRB election rule would help prevent the illegal intimidation and coercion of workers.

Mr. Speaker, this regulation provides targeted solutions to discrete, specifically identifiable problems. The rule brings into the 21st century the updating of rules involving the transmission of documents and communications, allowing you to use email and electronic communication rather than paper. It will enable the Board to better fulfill its responsibility to protect employees' rights by fairly, accurately, and quickly resolving issues of representation.

In many cases, the rule just simplifies and standardizes practices that have been common in regions all over the country already, or reflects existing practices used in civil actions. The rule does not change substantive law involving elections. It just makes sure that you can have a timely election.

These modest updates provide workers and employees with reasonable time to consider unionization while preventing unreasonable delay by bad actors.

Now, Mr. Speaker, this resolution isn't going to go very far. The administration has already issued a Statement of Administration Policy that I would like to quote from. It says that:

''The Board's modest reforms will help simplify and streamline private sector union elections, thereby reducing delays before workers can have a free and fair vote on whether or not to form or join a union.''

It goes on to say that:

''Giving workers greater voice can help ensure that the link is restored between hard work and opportunity and that the benefits of the current economic recovery are more broadly shared.

''The National Labor Relations Board's representation case procedures rule helps to level the playing field for workers so they can more freely choose to make their voice heard. In doing so, it will help us build an economy that gives greater economic opportunities and security for middle-class families and those working to join the middle class.''

It concludes, Mr. Speaker, that:

''If the President were presented with S.J. Res. 8, his senior advisors would recommend that he veto the Resolution.''

Mr. Speaker, instead of wasting time on this resolution, we should be addressing job creation, stagnating wages, economic inequality, and working to improve opportunities for Americans, rather than considering this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, somehow I am not surprised that the Obama administration supports the administration's National Labor Relations Board's actions.

At this time, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Subcommittee on Workforce Protections.

Mr. WALBERG. I thank the chairman.

Mr. Speaker, I hate to say it this way, but the fact of the matter is that the NLRB is creating a solution to a problem that does not exist by wholly changing the union election process through their new ambush election rule. This rule, if left unchecked, restricts the right of employers to speak to their employees during their organizing campaign. It cripples—it cripples—the rights of workers to make an informed decision. It denies all stakeholders access to a fair process. And isn't that what we are about?

This change is meant to weaken employers and employees who simply want a fair and just process that gives ample time for a deliberative review, discussion, and decisionmaking. Furthermore, the ambush election rule completely disregards the promise of neutrality that NLRB is mandated to uphold.

The NLRB should serve as an impartial arbiter of labor disputes, and I urge my colleagues to join the Senate in passing S.J. Res. 8, which will stop these harmful and unjust actions committed by the NLRB and preserve fair election policies which have been in place for decades.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. I thank the gentleman from Virginia (Mr. SCOTT).

Mr. Speaker, ladies and gentlemen of the House, I rise in very strong opposition to this resolution, and I urge every one of my Members to oppose this resolution.

We considered a Paycheck Fairness Act, a card check bill which said that if the unions got the signatures of a certain percentage, that they could move ahead and be organized, subject to an election.

There was a hue and cry about, that was undemocratic, that there ought to be a requirement for an election. A number of people came into my office, and I said, Well, I think we can accommodate that. We will make sure there is a requirement that—as every one of us can do—you can get the names of the voters, you can get their addresses, you can even get their history of voting, and you can perhaps call them on the phone. We can all do that in elections.

But the fact of the matter is—and everybody on this House floor knows it—procedurally, so many employers who do not believe that they are going to prevail take the steps of delaying and delaying and delaying. They want elections tomorrow and tomorrow and tomorrow.

Mr. Speaker, what the NLRB is trying to do with this rule is to make sure that there is an election, that it is fair, and that it will be held in a timely fashion.

I hope this House defeats this resolution.

This resolution would prevent the National Labor Relations Board from implementing the rule it promulgated in December to modernize worker representation elections.

But there is a fear of elections, and the fear of elections is that the majority of employees will say, yes, I want to have a better voice.

This is a case, once again, of the Republican majority seeking to roll back

the hard-earned rights of workers to organize and bargain collectively for better wages and benefits. And that is not an assertion. That is demonstrably proved in State after State after State over the last few years in which Republicans have taken control, and their first item of the agenda has been to undermine workers' rights.

When workers organize for higher wages and benefits—like health insurance, retirement savings, and affordable child care—it opens the doors of opportunity for workers and their families to secure a place in our middle class. We know our middle class is shrinking. We know the middle class is having a very tough time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield the gentleman an additional 1 minute.

Mr. HOYER. I thank the gentleman.

According to a 2013 report by the Center for American Progress, the decline of union membership between the 1960s and today correlates to a decline of the middle class.

When we have strong unions and workers' rights protections, the middle class does better. And workers who are not unionized benefit from the ripple effect of rising wages.

Let's defeat this bill.

I think the gentleman from Minnesota (Mr. KLINE), the chairman of this committee, has said that he would sit down with the gentleman from Virginia (Mr. SCOTT) to come up with a bipartisan bill—which this is not—which will do what all of us say we think is fair, to have elections, to have elections where both sides—and of course the employer always has access to the voter in this case—and do something for the American worker and for business which will put us on a steady path to growing the middle class and making sure that workers are treated as they ought to be, with the dignity and respect and the ability to support their families that they need.

□ 1100

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. MCCARTHY), the distinguished majority leader.

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Speaker, I always find it to be of interest listening to this debate. Do you know what is most ironic about this bill? It is about elections. Everybody in this body has an election. But do you know what is different? Everyone in this body knows when their next election is going to be held and knows how much time they have to campaign, so much so that we have rules on this floor when we cut off communication months in advance so you can campaign.

I listened with interest to the minority whip speak on this floor his support for something different from what this bill does. I wonder, if he cared so much about what the NLRB is doing, would he apply those exact same rules to his own election? Would he care to not know when it is going to be and then when it gets called he has 11 days to campaign? I think his speech would be different. So why are we asking the rules for us to be different from every other worker across this country?

The root of representation is to work for the interests of those you represent. Everyone in the House knows that. And unions, as representative bodies, should exist for the benefit of the workers. But I don't think anyone disagrees that it is the workers, not the unions, who know what is best for themselves. Workers are the best judges of whether they want to support union political activity or even if they want to join a union at all. Joining a union is a big choice. To make an informed decision, workers need time to decide what is best for them and their families, and they shouldn't be pressured or rushed.

So if unions really care about workers, and if they are confident that the benefits of their union outweigh the costs, they will give the workers as much time as they need. That is the irony of the recent decision by the National Labor Relations Board, to allow unions to call rush elections, to ambush employees and employers. Ambush elections don't help workers; instead, they bully workers to accept unionization as fast as possible. That is not pro-worker; that is pro-union—and there is a big difference.

What makes the situation worse is that ambush elections will soon be forced on workers not by an act of Congress, but by unelected bureaucrats in the NLRB. That is an affront to the separation of powers that this country was based upon.

So here in Congress, Mr. Speaker, we are taking action. As our Senate colleagues have already voted to do, we are going to use the Congressional Review Act to send a resolution straight to the President's desk that blocks this antiworker and antibusiness rule.

Now, I know the President has already threatened to veto this resolution, but I actually hope he will change his mind, because what does the President want to fight for? Does he want to fight for the workers? Does he want to fight for small businesses and jobs?

Ambush elections don't help workers. They don't help employers. They only help unions. And no public official, not any Member of this House, and especially not the President, should ever support rules that allow special interests to strong-arm the hardworking American people.

Mr. Speaker, nobody in this House should support a rule about an election they wouldn't put upon themselves, and I don't know one Member of this House that would sit back and say somebody can call an election and you only have 11 days to campaign. I would like to hear somebody vote for that on this floor and ask to be held to the same standards they are trying to hold every other worker to in this Nation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), the ranking member of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. POLIS. Mr. Speaker, where to begin? In hearing the majority leader's remarks and in talking about fair elections, how is it fair if only one side has access to the phone numbers and email addresses and not the other side? Can any of us imagine running in our campaigns where only we or only our opponent can call or write emails to the voters? That doesn't make any sense.

Talking about 11 days, again, that is fictitious. This rule is about the 1 in 10 cases that take over 100 days. Mr. Speaker, we heard testimony in committee about organizing that lingered on hundreds and hundreds of days. And as our ranking member pointed out, the longer it takes, there is a direct and causal relationship to illegal behavior.

The election rules that the NLRB has implemented will help expedite this process to be sure it is done in accordance with the law. It modernizes our antiquated system to level the playing field for workers. These rules set up a fair system so that bad actors that needlessly delay and abuse the electoral system for the sole purpose of having time to coerce employees through mandatory meetings, threats, and even firings won't be rewarded for their bad behavior. This coercion is not just some far-fetched idea. One in 10 cases take over 100 days.

Now, why would delaying a union election be a bad thing for union workers? Because during that delay, these workers are forced into rooms, receive threats, are bombarded with texts and emails from the employer—again, from one side in the election—but the other side in the election, absent these rules, doesn't even have access to text or phone.

Mr. Speaker, we should be focused on creating new jobs, not destroying them, and growing the middle class, not shrinking it. I urge my colleagues to vote ''no.''

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), a member of the committee.

Mr. WILSON of South Carolina. Thank you, Chairman KLINE, for yielding.

Mr. Speaker, I appreciate the chairman's leadership on this important issue, and I am grateful to be a cosponsor of this legislation.

As a member of the House Education and the Workforce Subcommittee on Health, Employment, Labor, and Pensions, I am concerned with the National Labor Relations Board's latest rule, which is referred to as the ambush election rule, and I stand in strong support of S.J. Res. 8.

The ambush election rule is a tool to force union elections, not to protect

workers. Revisions of the list requirements under the rule will compel employers to provide very personal information about their employees, such as names, address, telephone numbers, and email addresses. This will violate the privacy of workers while reducing the informed decision period. To add insult to injury, the rule does not limit or dictate what unions can do with this sensitive information.

I am pleased that South Carolina is a right-to-work State. Union membership is not a requirement of employment in our State. It is based on freedom of choice. I am grateful we have fought as a State to give our employees and job creators the flexibility to choose what is best for them.

South Carolina has successfully opposed the rogue NLRB when the NLRB tried to block 1,000 jobs at the Boeing facility in Charleston. With the leadership of Governor Nikki Haley, Attorney General Alan Wilson, and Senators LINDSEY GRAHAM and TIM SCOTT, we stopped the NLRB, and now over 7,000 jobs have been created.

S.J. Res. 8 will express our strong disapproval of the National Labor Relations Board rule and ensure a fair elections process.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. WILSON), the ranking member of the Subcommittee on Workforce Protections.

Ms. WILSON of Florida. Thank you, Ranking Member SCOTT.

Mr. Speaker, the Congressional Review Act is yet another attack on employees' rights to organize and to limit the National Labor Relations Board. The NLRB should have the ability to safeguard those rights and protect our Nation's workers from unfair labor practices.

It is outrageous that the rights of employees are attacked, particularly at a time when we have a jobs deficit, a shrinking middle class, and are still struggling to recover from the Great Recession.

The NLRB has made modest attempts to modernize its election procedures and reduce unnecessary litigation and delay in the election process. These are commonsense fixes that should not be controversial.

The CRA would freeze in place the Board's current flawed election procedure. The Board would be prohibited from adopting rules to utilize new technology or modernize its procedures. The NLRB is an expert agency and should be trusted to determine the appropriate use of electronic voting or rules to safeguard ballot secrecy.

Furthermore, I am not aware of any other government agency that has to seek Congress' permission before modernizing its rules for voting that takes place under its jurisdiction.

Dismantling the NLRB would only serve to weaken, undermine, and jeopardize the economic security of the middle class. It is bad for business, bad for families, and bad for our economy. In fact, the National Labor Relations Board is the last line of defense for workers.

We shouldn't be attacking our Nation's employees; we should be supporting them, investing in them, and protecting them. Let's come together to create jobs, protect the middle class, and make the investments we need to grow our economy.

Mr. KLINE. Mr. Speaker, I now yield 3 minutes to the gentleman from Oklahoma (Mr. RUSSELL), a new member of the committee and someone who has been actively engaged in the major debates since he has walked into this body.

Mr. RUSSELL. I thank the gentleman for yielding.

Mr. Speaker, labor relations are vital to the smooth operation of business and commerce. In the culture of our Republic, Americans are raised to expect to have their say in everything from schoolroom elections to choosing the President of the United States. It is in our DNA to have a choice. To inform that choice, we expect free speech so we can ask questions, gain information, and make wise decisions. This is why the recently finalized rule by the National Labor Relations Board is so egregious. It is against that American spirit.

Under this rule, longstanding policies that allow employers and employees to guide how they relate through unions has been deeply damaged. Companies could have as little as 11 days, or employees in relating to the companies, as little as 11 days to make a choice that could drastically affect their career and the health of the business that they rely on to put bread on the table.

Employers would only have a 7-day period to obtain counsel, set parameters, and are even restricted in contacting and discussing issues with their employees. They are prohibited from making any changes after that 7-day period based on new information that they may acquire.

Further, the privacy and safety of workers is placed in jeopardy by a swift ambush election process imposed by these rules that could put their employment in jeopardy.

This resolution stops this. It restores policies that have guided labor relations for decades. It upholds the right for American workers to gain information to make choices without draconian, strong-arm pressure tactics that harm the worker and stifle American free enterprise.

This body was founded, Mr. Speaker, on the spirit of promoting the general welfare and ensuring domestic tranquility for our Nation. Passage of S.J. Res. 8 aids this by stopping and blocking the strong-arm tactics of the National Labor Relations Board, and the American people are counting on us to do that job.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), a member of the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, I rise in opposition to Senate Joint Resolution 8, an unnecessary partisan attack on hardworking Americans that will interfere with the rights of workers to an expeditious election on union representation.

America's middle class workers should be free to decide if they want an election. Unfortunately, the current process can be mired in litigation, and in some cases, workers waiting for an election have faced interference or intimidation from outside groups. The NLRB's rule safeguards the ability of workers to choose whether to be represented by a union without confronting unnecessary delays.

It makes little sense why Congress would want to get in the way of middle class Americans—factory line workers, health care workers, and utility workers—who ask for an election on union representation. It is also unreasonable to assume that employers, many of which have sophisticated legal teams, are going to be caught flat-footed. There is no ambush here.

Mr. Speaker, the NLRB had a lengthy rulemaking proceeding with thousands of comments. It is unfair and, in fact, draconian to now use the Congressional Review Act to try to undermine the rights of workers by getting rid of this rule. The resolution is an ill-advised attempt to silence the voice of American workers, and I urge my colleagues to vote ''no.''

□ 1115

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN), another new member of the committee and someone who has also been engaged since the day he walked in.

Mr. ALLEN. Mr. Speaker, I am always interested when we are talking about workers and I hear that people want to talk about what is best for workers.

I will tell you that I am a new Member of Congress, and I have had the privilege the past 30 years of my life to give people the privilege to have a good job. That is one of the greatest privileges of my life.

We all want to do what is best for those folks who are sacrificing for us. We appreciate them; we appreciate their efforts. That is why I rise to support Senate Joint Resolution 8, to demonstrate the disapproval of Congress of the National Labor Relations Board's ''ambush election'' rule to protect our workers.

A few weeks ago, the Subcommittee on Health, Employment, Labor, and Pensions, of which I am a member, held a hearing on this very issue. We learned that this NLRB is not only unprecedented, it undermines the rights of both workers and employees and creates for challenges for businesses when our economy can least afford it.

The expert testimony was from those who have been engaged in labor relations for quite a long time with tremendous experience. Their testimony

provided comments about just how troubling such a threat to the privacy of workers and their families as employers would be required to disclose the names, addresses, phone numbers, and emails of employees to the NLRB, then to the union.

This rule is misguided, and NLRB has no business in rushing to advance its own agenda. We need to protect fairness in the work place. That is why I call on my colleagues to support Senate Joint Resolution 8.

I am proud to say that I am from the State of Georgia, a right-to-work State.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 1 minute.

Mr. ALLEN. In the State of Georgia, we have created almost 300,000 jobs since 2006. I am proud to say we have got the finest workers in America, and I want those workers to have the freedom to make their decisions and not the NLRB.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. POCAN), a member of the Committee on Education and the Workforce.

Mr. POCAN. Mr. Speaker, I thank the ranking member, BOBBY SCOTT, for yielding me time.

I am a small business owner, and I am a union member, and I have a union business. The disapproval of the NLRB rule under the Congressional Review Act is an extreme move that would roll back hardworking Americans' rights to a fair and timely election on union representation.

Let us look at what this rule does, two things: One, it modernizes communications; and, two, it protects workers from dishonest employers.

When this law was written, emails and iPhones didn't exist, so it simply adds them to the list of what is available to contact people about joining a union.

Second, it creates a fair, modern workplace election process that elections can be done in a timely manner. The current process has long been vulnerable to manipulation, delay, and drawn out legal maneuvering by some unscrupulous employers.

The reality of today's workplace is employers still hold all the cards. The few bad actor employers can delay a union vote by intimidating or threatening employees. They already have the phone numbers, the emails, and the home addresses. Let's face it: What is more intimidating, getting an email or saying you know where someone lives?

The bottom line is this isn't about the NLRB rule; this is about a process that we see across the country attacking hardworking Americans. Whether it is through so-called right-to-work laws or preventing the NLRB from updating the union election process, this is more evidence that the majority party is out to hurt the very hardworking Americans who want the ability to form a union.

This has a substantial impact on their lives. Workers covered by a collective bargaining agreement are paid more on average than those not covered and are more likely to have health care, retirement, and paid leave benefits than nonunion workers.

I would strongly urge us to vote against this political maneuvering message.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from my neighboring State of Wisconsin (Mr. GROTHMAN), another new member of the committee. We have got an almost embarrassment of riches of hardworking new Members.

Mr. GROTHMAN. Mr. Speaker, I am glad to be here to speak one more time on Senate Joint Resolution 8.

I will make two points again. One of the things we see here is we have new rules which continue a trend, and that is you are fundamentally changing the way things have been for 70 years. In the past, unions have done a good job of organizing.

We have added union representation to things, but one of the things that businesses want and that America wants is consistency. One more time, after having no big problems for 70 years, we are turning things fundamentally around. Now, why is that bad?

The gentlewoman from Oregon just said this is no big deal because businesses all have lawyers on staff or whatever.

Two comments on that: First of all, businesses don't all have lawyers on staff; and, secondly, I think it shows a fundamental misunderstanding of how business works and why it is so difficult to go into business today and why it particularly targets small businesses when you come up with new regulations.

This would be a problem even for a big company that did have a lawyer on staff and say it is no big deal; but, of course, who is less likely to have a lawyer on staff? A small business who doesn't have full-time HR representatives and that sort of thing. This is targeting those small businesses.

Again and again and again in this country, one thing that bothers me is the degree to which people don't have sympathy for small businesses. When you change things, they are the ones who have to go out, hire an outside lawyer, get up to speed on things, pay the big legal bills, and pay the price.

That is one reason why, in certain industries, you do see, over time, big businesses continuing to grow because little businesses can't keep up with all the little rules.

I will remind people one more time that this invades employee privacy. It is something they are not asking for. There is no reason for outside groups to be able to get somebody's home address or that sort of thing.

In any event, I will ask the other people present in the room to go back home and ask, particularly their small employers, when they have to run to a lawyer—first of all, to ask their small employers whether or not they have a lawyer on staff because I think the vast majority of businesses in this country don't have a lawyer on staff; and, secondly, whether they do or don't have a lawyer on staff, if they have to go run to a lawyer, whether they think its no big deal, because I think it is an awfully big deal.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I thank the gentleman for the time.

I would like to point out that I think the people who promote this piece of legislation and the people who oppose it basically take their positions for the same reason, and that is that labor unions improve wages, make better working conditions, promote job security, and give strength in numbers.

We oppose and support this bill for the same reason. Some people want to see workers get more pay—we have seen stagnant wages—and some people think that when workers make more money, it just hurts corporate profitability—which, by the way, is up and has been increasing.

The point is simply this: The NLRB does its job and modernizes union elections and proposes a rule. The Republican majority comes in and says, We don't like that because that might lead to more union elections, and it may lead to more unionized workers, and we like it how it is, we like flat and declining wages, we want the employers to have all of the power, we want the workers to be alone and on their own and without the strength that the numbers that a union provides. It is just as simple as that.

Americans watching this debate today have yet another opportunity to see who is on their side and who is not. American workers get more money and get paid better when they are in unions.

Collective bargaining strengthens family budgets because it means that workers can say, Do you know what, that is unsafe; do you know what, you are making plenty of money, so should we; do you know what, we need to get some job security in a union contract around here—and that is exactly why we see the opposition to this NLRB rule.

So it is disappointing. I think President Obama was right when he said the number one problem facing the United States today is income inequality. That is the concentration of riches at the top and the stagnation for wages for everybody else.

If that is the problem, then we need to do something about it. That means modernizing the right to collectively bargain.

I will say modernizing union elections is the thing that will help us achieve that equality.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. NORCROSS).

Mr. NORCROSS. Mr. Speaker, I thank the ranking member.

It is incredible. We are in this great Hall of democracy. The world looks to this very building, for what it seeks is to give people a voice, what our country was founded on. What we are having a vote on today is to clamp down and shut the mouths of those who are seeking to have a voice.

Very recently, there was a poll conducted that said, if given the opportunity, 73 percent of American workers want to have a voice and would vote for a union, but what we are hearing today is shutting down the voice and creating predictability. This is about democracy; this is about what we in America believe in: giving everybody an equal opportunity for a voice.

What the NLRB—and I have dealt with them for over 30 years. We have won some; we have lost some. They have been independent. Sometimes, I haven't been happy with their decisions, but I have always felt they have been fair.

What we are talking about is bringing them into the 21st century, making a voting date that is agreeable to what real people think. You shouldn't have to wait 6 months, 9 months, go through the appeal process.

Let's have a vote because, remember, the employer has had access—unfettered access—to all these employees, and all we are saying is let's make sure that workers have a voice. If they say ''no,'' no harm, no foul, and go home. This is about creating an equal playing field, which certainly isn't there.

That is why I am urging my colleagues to vote against this anti-American, antidemocracy, antiworker resolution.

Mr. KLINE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I thank Mr. SCOTT.

One of the things that made the 20th century known as the American century was that the United States had the largest middle class in the history of the world—the idea that if you worked hard and played by the rules, you would get a fair wage and good benefits and that your children would be even able to do a little bit better than you have been able to do.

It wasn't always that way, though, in the United States. We can thank to a great extent some of the great advances that we had in the 20th century, as far as workers' rights, to that of organized labor. Without labor unions, we would not have the strength of the middle class today.

It is no accident that in the post-World War II period, when you saw average incomes rise in the fifties, in the sixties, in the seventies, you saw average incomes rise for workers, sure enough, you saw the percentage of the American workforce unionized also increase.

□ 1130

It is also no accident that, as the percentage of the American unionized workforce declined, so, too, did the average wages to the point at which we are today, where we have had a 20-year period in which middle class wages are stagnant, in which the working class has actually fallen behind, and in which—no surprise—we actually have the lowest percentage of the workforce unionized today in over 70 years.

Mr. Speaker, let's stand up for the middle class. Let's stand up for our workers. Let us reject this antilabor, anti-union, antiworker measure, and let's start fighting and working for those who are working for America.

Mr. SCOTT of Virginia. Is the chairman prepared to close?

Mr. KLINE. I am.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

The rule that is subject to this resolution creates no substantive change in the law. It just requires that an election be timely. We have heard this 11-day myth. Let me just go through a little about that myth and how you get to the 11 days.

First of all, the regional office would have to issue a notice of a hearing on the same day that the union would have filed the election petition. The hearing would have to be held as soon as possible and last only one day, and the regional director would have to issue an opinion on the same day.

Right now, it currently takes a median of 20 days for the regional director to issue a decision on the hearing, and there is no reason to believe that it would be any shorter under this rule.

The union would have to waive all of its rights to get information in terms of contact lists and things like that, and the region would have to schedule the election on the very first day possible. The chance that all of that is going to happen to get you down to 11 days is just very improbable.

The administration has already indicated that its senior advisers would recommend a veto of this legislation, so it is not going anywhere.

I look forward to working with the chair of the committee to do what we can to create jobs and to increase wages and to create safe workplaces. I would hope that the chair and I will get together on that rather than waste time on this resolution.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 8—CONGRESSIONAL DISAPPROVAL OF NATIONAL LABOR RELATIONS BOARD REPRESENTATION CASE PROCEDURES RULE

(Sen. Alexander, R–TN and 51 cosponsors, Mar. 3, 2015)

The Administration strongly opposes Senate passage of S.J. Res. 8, which would overturn the National Labor Relations Board's recently issued ''representation case procedures'' rule. The Board's modest reforms will help simplify and streamline private sector union elections, thereby reducing delays before workers can have a free and fair vote on whether or not to form or join a union. The rule allows for electronic filing and transmission of documents, ensures that all parties receive timely information necessary to participate in the election process, reduces delays caused by frivolous litigation, unifies procedures across the country, requires additional contact information be included in voter lists, and consolidates appeals to the Board into a single process.

Instead of seeking to undermine a streamlined democratic process for American workers to vote on whether or not they want to be represented, the Congress should join the President in strengthening protections for American workers and giving them more of a voice in the workplace and the economy. Growing and sustaining the middle class requires strong and vital labor unions, which helped to build this Nation's middle class and have been critical to raising workers' wages and putting in place worker protections that we enjoy today. Giving workers greater voice can help ensure that the link is restored between hard work and opportunity and that the benefits of the current economic recovery are more broadly shared.

The National Labor Relations Board's representation case procedures rule helps to level the playing field for workers so they can more freely choose to make their voice heard. In doing so, it will help us build an economy that gives greater economic opportunities and security for middle-class families and those working to join the middle class.

If the President were presented with S.J. Res. 8, his senior advisors would recommend that he veto the Resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself the balance of my time.

It is always interesting—isn't it, Mr. Speaker?—to listen to the debate and to the claims that are made and to the claims that are refuted. I found it a little bit interesting in listening to some of the comments on the other side of the aisle that, apparently, this Congressional Review Act S.J. Res. 8 action and all of those who support it are anti-union, antilabor, antiworker, and—I was a little shocked to hear—even anti-American.

I am not called ''anti-American'' very often, Mr. Speaker, and I do resent it a little bit, but that is the way this debate kind of goes. Let's get a couple of things, I think, straight. I know that everybody can have his opinion and not the facts, but there are some things that, I think, are pretty clear.

According to the National Labor Relations Board, itself, more than 94 percent of elections occur in less than 56 days, which is less than 2 months, Mr. Speaker, and the median time is only 38 days. Unions, Mr. Speaker, win over 60 percent of those elections, so there is a voice for union organizers, for workers, and for employers, because there is time. There is not a rush.

Now, we just heard some discussion about whether 11 days is probable—we all agree, I think, it is possible—or

maybe it would be 12 or 13 or something like that, but it is not in question that you only have 7 days under this rule. This is the rule, by the way. This is the rule that we are talking about. The law that is affected is many times thicker than this.

My colleague from Wisconsin talked about whether or not you have a labor lawyer on staff. Certainly, if you are a small- or middle-sized company, you don't. You can't afford that. So you have 7 days to go out and find a lawyer who can help you comply with this rule and with the law, the much thicker law. You have 7 days to get your position down in writing, and then you are stuck with it. Then you could have the election 4 days later. That is not an opportunity for informed discussion, debate for either the workers or for the employers.

This is called an ''ambush'' election because it is, indeed, an ambush. We heard one of the speakers talk about: Would you rather have somebody have your email address or your home address? Under this rule, you get it all. Mr. Speaker, clearly, there are many instances of intimidation during these exercises, and often that intimidation comes from union organizers, not from your fellow workers usually but from outside union organizers, who are trying to push this onto the workforce.

So I am very pleased to be supporting S.J. Res. 8, which is to provide congressional disapproval. I am not surprised, as I mentioned earlier, that the Obama administration supports the Obama National Labor Relations Board's position here, but it doesn't mean it is right, and it doesn't mean we shouldn't be standing up for the voices that we have heard about—for employers and employees—so that they can make informed decisions.

The NLRB's rule, Mr. Speaker, stifles the right of employers to speak to their employees during an organizing campaign. It also cripples the right of workers to have the information they need to make a very important decision about whether or not to join a union or even that union. That is a big decision, and it shouldn't be jammed into 11 days or 2 weeks. You need the time to be informed in order to make such a decision.

A ''yes'' vote on the resolution will help rein in this activist National Labor Relations Board, and it will ensure workers, employers, and unions can participate in a fair union election process. I urge my colleagues to support S.J. Res. 8.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 152, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the joint resolution will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 186, not voting 14, as follows:

[Roll No. 128]

YEAS—232

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Joyce
Katko
Kelly (PA)
King (IA)
Kinzinger (IL)
Kline
Knight
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

NAYS—186

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Graham
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Garamendi
Gosar
Granger
Graves (MO)
Grayson
Hinojosa
Jordan
Labrador
Payne
Roskam
Schock
Scott, Austin
Smith (WA)
Young (IN)

□ 1208

Mr. CLYBURN changed his vote from ''yea'' to ''nay.''

Mr. STUTZMAN changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on